

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

TANISH J. LOVE,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-08-0985-F
	)	
STATE OF OKLAHOMA,	)	
	)	
Respondent.	)	

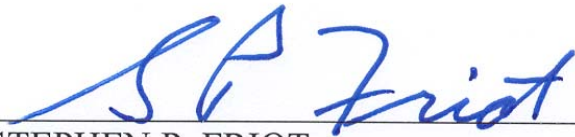
**ORDER**

The initial partial filing fee remains unpaid despite this court's order of November 14, 2008, which extended until December 1, 2008 the time within which to pay that fee. (Order, doc. no. 14.) No request for another extension been received. The only "objection" to the Report and Recommendation of Magistrate Judge Robert E. Bacharach is petitioner's request that the court excuse petitioner's failure to pay the initial fee. (Objection at doc. no. 13). Petitioner's "objection" also gives assurances that the necessary payments will be made in the future. The court has reviewed *de novo* the Report and Recommendation of the Magistrate Judge. (Doc. no. 9.) The Report recommends dismissal of this action without prejudice, for failure to pay the initial partial filing fee.

Having reviewed the report, and with no payment having been made and no showing of good cause for that failure having been made, the court hereby **ACCEPTS, ADOPTS** and **AFFIRMS** the Report and Recommendation of the Magistrate Judge. Accordingly, this action is **DISMISSED** without prejudice, for failure to pay the initial partial filing fee.

Petitioner's "Motion for Instructions and Motion to Amend Name of Respondents and the Title of Original Petition" (doc. no. 10) is **STRICKEN** as moot.

Dated this 16<sup>th</sup> day of December, 2008.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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